

Application S/N 10/733,616
Amendment Dated: November 30, 2005
Response to Office Action dated: September 8, 2005

CE11336JI212

REMARKS/ARGUMENTS

Claims 1-22 remain pending in the application. In the Office Action, claims 1-5 and 12-16 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0013456 to Bates, et al. (Bates). In addition, claims 11 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of U.S. Patent Application Publication No. 2002/0123309 to Collier, et al. (Collier). Finally, claims 6-10 and 17-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of prior art.

A brief summary of the Bates reference may be helpful here. Bates describes a method, apparatus and system for notifying a user of a portable communication device. In particular, a location of a first portable device is determined for a first user, and the location of a second device is determined for a second user. A determination is made as to whether the location of the second device is within a same region containing the first device. If the second device is within the same region as the first device, then the first user is notified of the presence of the second user (see Abstract).

Independent claims 1 and 12 have been amended to clarify that the condition of the operational parameter provides an indication as to the ability of the first mobile communications unit to maintain the communications connection with the second mobile communications unit. Support for the amendments can be found on page 10, lines 15-20 and on page 11, line 7 to page 13, line 3. No new matter has been added in view of these amendments. Bates simply does not illustrate, teach or even suggest such a concept. In particular, the first user in Bates is simply informed of the presence of the second user in the same general area in which the first user currently resides.

Application S/N 10/733,616
Amendment Dated: November 30, 2005
Response to Office Action dated: September 8, 2005

CE11336J1212

The first user in Bates is never made aware of any conditions of the second communication device that may affect the ability of the second user to maintain communications with the first user. In fact, Bates teaches away from such a concept because the location information of the second device that is transmitted to the first device is performed prior to an active call being made between the two units. The present invention contemplates the exchange of operational parameters during an active call to enable the first user or second user to learn of a potential or actual obstacle to conducting an ongoing and active call.

In addition, dependent claims 8 and 19 recite the feature that the icons, the audio tones and the vibrations are distinguishable from any second icons, audio tones and vibrations that are used to display, broadcast and inform a user of a condition of operational parameters of the second mobile communications unit. Even though the concept of distinguishable notification signals may be well-known, the idea of using different notification signals to enable a user to determine that a particular signal or alert represents an operational parameter of a communication unit other than his own is not well known. In addition, there is simply no motivation in Bates to use distinguishable notification signals because the first user is not concerned with differentiating his position from that of the second user. That is, the first user is merely concerned with being notified of the second user's location. Bates never discusses providing the first user with his location to enable the first user to distinguish his location with that of the second user.

Application S/N 10/733,616
Amendment Dated: November 30, 2005
Response to Office Action dated: September 8, 2005

CE11336JI212

In view of the above, Applicants submit that independent claims 1 and 12 are patentable over the prior art. Applicants also believe that those claims that depend from these independent claims are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department – MD 1610
8000 W. Sunrise Blvd.
Plantation, FL 33322

Customer Number: 24273

Respectfully submitted,

By: 

Larry G. Brown
Attorney of Record
Reg. No.: 45,834

Telephone: (954) 723-4295
Fax No.: (954) 723-3871